

Dkt.0575/61238-A/JPW/BJA

IFW 1651  
AFB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Richard Deckelbaum et al.  
U.S. Serial No.: 10/033,629 Examiner: R. A. Davis  
Filed : December 28, 2001 Group Art Unit: 1651  
For : USE OF IV EMULSIONS WITH DIFFERENT  
TRIGLYCERIDE COMPOSITION, PARTICLE SIZE AND  
APOLIPOPROTEIN E FOR TARGETED TISSUE  
DELIVERY OF HYDROPHOBIC COMPOUNDS

1185 Avenue of the Americas  
New York, New York 10036  
May 28, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

NOTICE OF APPEAL FROM THE EXAMINER'S DECISION TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants hereby appeal to the Board from the decision of the Examiner mailed November 28, 2003 finally rejecting pending claims 1-3, 10-11, 15-17, and 24-25 in the above-identified application.

A response to the November 28, 2003 Final Office Action was originally due February 28, 2004. Applicants are concurrently petitioning for a three month extension of time. Accordingly, the subject application is pending today and this Notice of Appeal is being timely filed.

The required fee set forth in 37 C.F.R. §1.17(b) for filing a Notice of Appeal for a small entity is ONE HUNDRED AND SIXTY FIVE DOLLARS (\$165.00), and a check for this amount is enclosed.

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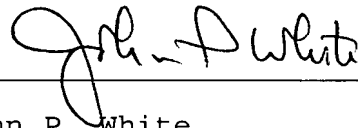
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No fee, other than the enclosed \$165.00 fee, is deemed necessary in connection with the filing of this Notice of Appeal. However, if an additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22312-1450



5/28/04

John P. White  
Reg. No. 28,678

Date